

REMARKS

The last Office Action has been carefully considered.

It is noted that the drawings, the abstract of the disclosure, and the claims are objected to, and the claims are also rejected under 35 U.S.C. 112.

In connection with this, applicants have amended the specification and the claims and submitted a new abstract of the disclosure. The changes in the specification, and the claims and the abstract have been made in accordance with the Examiner's suggestions and therefore it is believed that the grounds for the above mentioned formal objections and rejections should be considered as no longer tenable and should be withdrawn.

The claims are rejected under 35 U.S.C. 103(a) over the patent to Bitter in view of the patent to Tsai, and for some claims also in combination with the patent to Zagar.

In connection with the Examiner's rejection of the claims

applicant has amended the independent claims so as to more clearly define the present invention and to distinguish it from the prior art.

The independent claims currently on file define that the hand-guided machine or power tool in accordance with the present invention has a motor shaft, an intermediate shaft, a drilling spindle, with the intermediate shaft being located between the motor shaft and the drilling shaft in the sense of power/torque flow, and the arresting device is located at the intermediate shaft or between the intermediate shaft and a housing or a housing component (it is not directly associated with the motor shaft or the drilling spindle).

Turning now to the Examiner's grounds for the rejection of the original claims, it is respectfully submitted that the patent to Bitter discloses a hammer drill as indicated by the Examiner. The patent to Tsai teaches an arresting device for use in an electric tool and the like.

The patent to Tsai discloses that the arresting device is to be placed "... in an output shaft of an electric hand tool ..." as explained in column 1, lines 58-59. It further indicates that: "the lock mechanism is disposed between an inner shaft 10 and an outer shaft 60 of the output

shaft", as described in column 2, lines 33-35. The Examiner, in the rejection of the original claims, stated that it would have been obvious to one having ordinary skill in the art to have added the automatic output shaft arresting device taught by Tsai to the drill taught by Bitter in such a way that it replaces a portion of the motor shaft 25 taught by Bitter (paragraph 8, last sentence), and the Examiner identified the shaft 25 as a motor output shaft. In the Examiner's opinion this is the reason why it is possible to place the locking device there, because shaft 25 is an output shaft.

It is respectfully submitted that the present invention as defined now in the amended independent claims is different. In the hand-held power tool of the present invention there is a motor shaft, a drilling spindle, an intermediate shaft located between the motor shaft and the drilling spindle, and an arresting device located at the intermediate shaft or between the intermediate shaft and a housing or a housing component. If the Examiner is of opinion that it is obvious to place the arresting device of Tsai on the motor shaft of Bieber, such a combination would still not lead to the applicant's invention because the arresting device of Tsai will be on the motor shaft, and the motor shaft will be connected to the drilling spindle. In contrast in accordance with the present invention there is the motor shaft, the intermediate shaft with the arresting device located at the intermediate shaft

or between it and the housing or the housing component, and the drilling spindle, which are three different shafts, the motor shaft, the intermediate shaft, the drilling spindle, with the arresting device located between the intermediate shaft and the housing or the housing component. Thus, the arresting device is not directly associated either with the motor shaft, or with the drilling spindle. Therefore it is believed that a hypothetical construction produced from a combination of the teachings of the references will be significantly different from the hand-held power tool of the applicant's invention as now defined in the amended independent claims.

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It is therefore believed that the independent claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

Applicant has also amended claim 2 to define that the toothed gear with claws formed in accordance with the present invention is provided for torque transmission. The arresting device disclosed in the patent to Tsai does not have any toothed gear designed as in the applicant's invention and provided for torque transmission.

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It is therefore respectfully submitted that claim 2 as amended

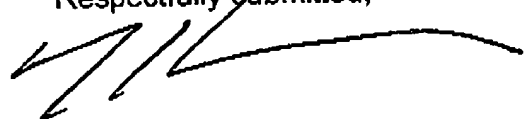
should also be considered as patentably distinguishing over the art and should also be allowed.

As for the dependent claims, the dependent claims depend on the independent claims, they share their presumably allowable features and it is respectfully submitted that these claims should be allowed as well.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 19-4675). Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, she is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, consisting of several stylized, overlapping strokes.

Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233